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September 17, 2014

Hon. Richard J. Sullivan (ECF Filing)  
United States District Judge, Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: SEC v. Amerindo et al. 05-cv-5231 (RJS)  
Letter-Motion to withdraw in favor of *pro bono* counsel.

Dear Judge Sullivan:

Pursuant to the Court's order DOC 474 concerning appointment of *pro bono* counsel and Local Rule 1.4, I hereby request permission to withdraw as counsel to Gary Tanaka and Alberto Vilar. For reasons known to the Court I moved to be relieved in the Second Circuit in relation to the defendants' criminal appeal. The Court of Appeals appointed new counsel, pursuant to the Criminal Justice Act, for each of their respective criminal appeals. For the same reasons, and due to a potential conflict that may be influencing my legal advice, I believe that new counsel is necessary to effectively present defendants' positions and defend them in the remaining proceedings still pending before this Court.

It is not counsel's intention to abandon these clients or to require them to resume a *pro se* defense; rather this motion is intended to avoid just such a result and is merely intended as a preliminary step towards their appointment of *pro bono* counsel. As such, if this Court determines that new counsel is not warranted, or if this Court is unable to find new counsel to represent the defendants *pro bono*, then I respectfully request leave to resume my representation of defendants at such time.

Pursuant to Rule 1.4, please be advised that counsel has a charging lien as to Gary Tanaka. I have provided a copy of this letter motion to Mr. Tanaka and Mr. Vilar.

Very truly yours,  
/s/  
Vivian Shevitz

Cc: Alberto Vilar  
Gary Tanaka